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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 BRODERICK WARFIELD,

12 Plaintiff,

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14 v.

15 SOLANO COUNTY SUPERIOR COURT,
16 et al.,

17 Defendants.
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No. 2:25-cv-00557-TLN-SCR

ORDER

19 This matter is before the Court on *pro se* Plaintiff Broderick Warfield's ("Plaintiff")
20 Motion for Reconsideration of this Court's May 30, 2025 Order and request for a protective
21 order. (ECF No. 30.) No opposition has been filed. For the reasons set forth below, the Court
22 DENIES Plaintiff's motion and request.

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I. FACTUAL AND PROCEDURAL BACKGROUND

On February 18, 2025, Plaintiff filed a complaint against approximately fifteen defendants including law enforcement divisions, state court judges, county prosecutors, and public defenders, concerning two phone calls made to 911 in November of 2011. (ECF No. 1 at 9.) Plaintiff filed a First Amended Complaint on April 10, 2025, and a Second Amended Complaint on May 5, 2025, without leave of court. (ECF Nos. 13, 20.) On May 6, 2025, the assigned magistrate judge issued findings and recommendations, recommending Plaintiff's action be dismissed without leave to amend.¹ (ECF No. 18.) The magistrate judge's findings and recommendations detailed the procedural history of Plaintiff's previous actions on the same subject matter. (*Id.* at 3–4.) Plaintiff filed objections to the findings and recommendations. (ECF No. 21.) He also filed several motions, primarily motions to seal. (ECF Nos. 22, 23, 24, 26.) On May 30, 2025, this Court adopted the magistrate judge's findings and recommendations in full, dismissed the action with prejudice, and closed the case. (ECF No. 27.) On the same day, the Clerk of the Court entered Judgment. (ECF No. 28.) Plaintiff now seeks reconsideration of this Court's May 30, 2025 Order (ECF No. 27) and seeks a protective order. (ECF No. 30.)

II. STANDARD OF LAW

The Court may grant reconsideration under Federal Rules of Civil Procedure ("Rule") 59(e) or 60. *See Schroeder v. McDonald*, 55 F.3d 454, 458–59 (9th Cir. 1995). A motion to alter or amend a judgment under Rule 59(e) must be filed no later than twenty-eight days after the entry of judgment. Fed. R. Civ. P. 59(e). Therefore, a "motion for reconsideration" is treated as a motion to alter or amend judgment under Rule 59(e) if it is filed within twenty-eight days of entry of judgment; otherwise, it is treated as a Rule 60(b) motion for relief from judgment or order. *Rishor v. Ferguson*, 822 F.3d 482, 490 (9th Cir. 2016); *see Am. Ironworks & Erectors, Inc. v. N. Am. Const. Corp.*, 248 F.3d 892, 898–99 (9th Cir. 2001). Plaintiff's motion was filed within twenty-eight days of entry of judgment and is therefore construed as a motion to alter or amend

¹ Along with issuing findings and recommendations, the magistrate judge granted Plaintiff's motion to proceed in forma pauperis and denied Plaintiff's thirteen motions to seal. (ECF No. 18.)

1 the judgment under Rule 59(e).

2 Rule 59(e) does not list specific grounds for a motion to amend or alter, therefore the
3 district court enjoys considerable discretion in granting or denying the motion. *Allstate Ins. Co. v.*
4 *Herron*, 634 F.3d 1101, 1111 (9th Cir. 2011) (citing *McDowell v. Calderon*, 197 F.3d 1253, 1255
5 n.1 (9th Cir. 1999)). Nevertheless, a motion for reconsideration under Rule 59(e) “should not be
6 granted, absent highly unusual circumstances, unless the district court is presented with newly
7 discovered evidence, committed *clear error*, or if there is an intervening change in the controlling
8 law.” *McDowell*, 197 F.3d at 1255 (citation omitted) (emphasis in original). Further, “[a] motion
9 for reconsideration may *not* be used to raise arguments or present evidence for the first time when
10 they could reasonably have been raised earlier in the litigation.” *Marlyn Nutraceuticals, Inc. v.*
11 *Mucos Pharma GmbH & Co.*, 571 F.3d 873, 880 (9th Cir. 2009) (citation omitted) (emphasis in
12 original).

13 “In general, there are four basic grounds upon which a Rule 59(e) motion may be granted:
14 (1) if such motion is necessary to correct manifest errors of law or fact upon which the judgment
15 rests; (2) if such motion is necessary to present newly discovered or previously unavailable
16 evidence; (3) if such motion is necessary to prevent manifest injustice; or (4) if the amendment is
17 justified by an intervening change in controlling law.” *Allstate Ins. Co.*, 634 F.3d at 1111.

18 **III. ANALYSIS**

19 Turning first to Plaintiff’s Motion for Reconsideration, Plaintiff appears to argue this
20 Court’s May 30, 2025 Order should be reconsidered because two of his exhibits were overlooked
21 and not properly considered. (ECF No. 30 at 2–3.) Specifically, Plaintiff contends Exhibit X-1 to
22 his Amended Motion to Seal (ECF No. 7) and Exhibit “Vital Statistics” to his Ex Parte Motion to
23 File Under Seal (ECF No. 12) were overlooked and should have been considered in the
24 magistrate judge’s findings and recommendations. (ECF No. 30 at 2–3.) Plaintiff later appears to
25 argue that newly discovered evidence supports his Motion for Reconsideration. (*Id.* at 5.)
26 Plaintiff describes the new evidence, “Exhibit US FISCAL REPORT” (ECF No. 22), as related to
27 the “newly added HIPPA compliance privacy security rule violation” in his Joinder Motion (ECF
28 No. 23). (ECF No. 30 at 5.) Plaintiff also mentions a newly added defendant, “defendant # 19.”

1 (Id.)

2 Plaintiff fails to provide sufficient facts or arguments to justify reconsideration of this
3 Court's prior Order under Rule 59(e). *See Allstate Ins. Co.*, 634 F.3d at 1111 (listing the four
4 basic grounds upon which a Rule 59(e) motion may be granted). First, Plaintiff does not identify
5 any manifest error of law or fact with respect to the consideration afforded to the two exhibits
6 Plaintiff identifies in his motion. There is no indication that the magistrate judge did not consider
7 these exhibits. The magistrate judge's order and findings and recommendations cite the motions
8 containing these exhibits. (*See* ECF No. 18 at 7–8.)

9 Second, Plaintiff does not present newly discovered evidence. Plaintiff claims certain
10 exhibits are newly discovered evidence. (ECF No. 30 at 5 (referencing ECF Nos. 22, 23).)
11 However, these exhibits were submitted in support of motions filed before the Court entered the
12 contested Order and Judgment. These exhibits therefore cannot be considered newly discovered.
13 *See Exxon Shipping Co. v. Baker*, 554 U.S. 471, 485 n.5 (2008) (recognizing parties cannot use
14 Rule 59(e) to “present evidence that could have been raised prior to the entry of judgment”).

15 Finally, Plaintiff fails to demonstrate how reconsideration is necessary to prevent manifest
16 injustice or is justified by an intervening change in controlling law. Plaintiff also does not
17 describe how adding a new defendant is a permissible basis for reconsideration of the Court's
18 Order. *See Allstate Ins. Co.*, 634 F.3d at 1111. For these reasons, the Court DENIES Plaintiff's
19 Motion for Reconsideration.

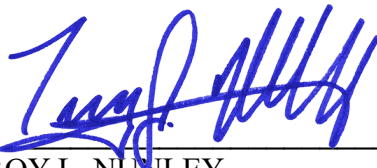
20 The Court now addresses Plaintiff's request for a protective order. The Court has
21 reviewed Plaintiff's request for a protective order and finds it is hard to discern what relief
22 Plaintiff requests. (ECF No. 30 at 5–38.) Plaintiff asks the Court to extend an “Umbrella
23 Extended Protective Order” to several outside cases, but no protective order has been entered in
24 this case. (*Id.* at 7–8.) It is unclear to the Court what the “Umbrella Extended Protective Order”
25 refers to. The Court is thus unable to evaluate Plaintiff's request that said protective order extend
26 to restrict access to other documents. (*Id.* at 11–12.) Because Plaintiff's request is unclear and
27 the Court declines to reopen Plaintiff's case, the Court DENIES Plaintiff's request for a protective
28 order.

IV. CONCLUSION

For the foregoing reasons, the Court finds Plaintiff has not established sufficient grounds under Rule 59(e) to seek reconsideration of this Court's May 30, 2025 Order. Accordingly, Plaintiff's Motion for Reconsideration is DENIED. (ECF No. 30.) Further, Plaintiff's request for a protective order is DENIED. (*Id.*) All other pending motions and requests (ECF Nos. 33, 35, 38, 39, 40, 42, 45, 47, 48, 49, 50, 52, 53, 55, 56, 57) are DENIED as moot. The Court will not accept any further filings in this case.

IT IS SO ORDERED.

Date: November 3, 2025



TROY L. NUNLEY
CHIEF UNITED STATES DISTRICT JUDGE